

CHAPTER V

of. Determinations as to violations of the above policy will be made by the Head of the DoD Component to which the alleged violation occurred.

PERSONNEL RELATIONS AND SERVICES

A. EMPLOYEE-MANAGEMENT RELATIONS POLICY

In conformance with the provisions of Executive Order 11491, as amended, and DoD Directives 1426.1 and 1400.5, Heads of DoD Components in their management of NAFI personnel shall recognize and strive toward the establishment of orderly and constructive relationships between managerial and nonmanagerial personnel. Continued and unimpeded communications are vital factors to an informed and productive work force. These extend to a thorough understanding of conditions of employment, job requirements, employee rights, privileges, and responsibilities of both management and employees.

1. **Standards of Conduct.** The nature of many of the activities supported by nonappropriated funds administered by DoD Components is such that the civilian employees and assigned military personnel shall exemplify the highest standards of personal conduct and integrity. The provisions of DoD Directive 5500.7 are applicable to NAFI employees. Heads of DoD Components shall ensure that their NAFI employees are fully acquainted with all aspects of the government's standards for ethical conduct.

2. **Loyalty.** Heads of DoD Components shall ensure that no person will be employed or continue to be employed at a NAFI who:

- a. Advocates the overthrow of the U.S. Government.
- b. Is a member of an organization that advocates the overthrow of the U.S. Government.
- c. Participates in any strike against the government, including all instrumentalities of the government.

3. Political Activity

a. The principles of 5 U.S.C. 7324 relating to political activity of government employees are hereby administratively extended to NAFI employees to the extent that no employee shall:

- (1) Use official authority or influence for the purpose of interfering with an election or affecting its results.
- (2) Take any active part in a partisan political campaign.

b. NAFI employees retain the right to vote as they choose; express their opinions on all political subjects and candidates; and participate in nonpartisan political activity. Also, an employee may hold a State, territorial, and local office if it does not conflict with duties, laws, or executive orders. No inquiries shall be made concerning the political affiliation of an employee or applicant for employment, and any disclosures of political affiliation shall not be considered in the employment process of the employee or applicant for employment.

c. Determinations as to violations of the above policy will be made by the **Head** of the DoD Component in which such violations are alleged to have occurred.

4. Employee Grievances

a. **NAFI** employees will have the right to present their complaints and grievances to management officials for prompt and equitable consideration.

b. Where a labor organization has exclusive recognition, any negotiated grievance procedure shall be governed by the provisions of 5 U. S .C. 7101 et seq., as implemented by DoD Directive 1426.1 and DoD 1400.25-M.

5. Adverse Actions and Administrative Appeals

a. Adverse Actions

(1) **An** adverse action is a personnel action, involving a RFT or RPT employee who **completed** a probationary period, that reduced the employee 's basic pay or grade; placed the employee in a **nonpay**, nonduty status; or separated the employee fra **NAFI employment**. Adverse actions include both disciplinary and nondisciplinary type action.

(2) **Adverse** actions do not include:

(a) Actions taken as the result of termination of temporary **promotion**.

(b) A termination or change to lower grade or pay when voluntarily initiated **by** the employee.

(c) Application of a **revised** prevailing rate schedule when there is no change to the position.

(d) A furlough, separation, or change to lower grade, pay, or employment category taken through reduction-in-force procedures.

(e) A temporary or continuing reduction in the number of basic workweek hours within the same employment category.

(f) A temporary reduction (no more than 14 consecutive days) in the number of basic workweek hours in one employment category to a number of hours included in another employment category.

(g) Actions taken as a result of an employee abandoning his or her position.

(3) Disciplinary actions which constitute adverse actions include:

(a) Suspension without pay for more than 30 days.

(b) Involuntary termination or removal for cause.

(c) Involuntary demotion/downgrade to another position with a lower representative rate of pay when taken for disciplinary reasons.

(4) Nondisciplinary actions which may be considered adverse actions include:

(a) Furlough, an action (not effected by use of RIF procedures) that places an employee in a leave without pay status for more than 14 calendar days because of a lack of work, insufficient funds, or emergency situations.

(b) Involuntary demotion/downgrade to another position with a lower representative rate of pay that is based on reclassification of a position due to correction of a classification error, application of new classification standards, or a final decision on a tentatively classified position.

b. Procedures for Processing Nondisciplinary Adverse Actions. Heads of DoD Components shall issue regulations and procedures for processing nondisciplinary adverse actions to include:

(1) An advance notice of proposed adverse action of at least 30 days, specifically outlining in writing, the reason(s) upon which the action is being taken. AS an exception to the advance proposed action a notice to the employee at least 24 hours in advance of the action is authorized when:

(a) There is a significant reduction in the business of a NAFI and a reduction in the basic workweek of RPT or RPT employees is required for more than two consecutive basic workweeks (14 calendar days) because of a sudden mission change at the base or installation (such as, a sudden deployment of personnel to another location); or

(b) Due to unforeseeable circumstances, such as a sudden breakdown in equipment, or an emergency situation requiring immediate curtailment of activities, it is necessary to furlough employees for more than 2 basic workweeks (14 calendar days).

(c) Due to unforeseeable circumstances, such as an act of war, causing a permanent discontinuance of the work to be performed, it is necessary to separate employees.

(2) A reasonable time for the employee to reply, orally and in writing, to the proposed adverse action notice.

(3) A prompt and equitable decision in writing, after full consideration of the employee's reply.

(4) An opportunity for the employee to request a review and hearing.

(5) An option for management to place an employee in a pay and nonwork status during the notice period without charge to annual leave or sick leave.

(6) An option for an employee to request and be placed on annual leave (or cent ihued in a sick leave status) during the time or a portion of the time, the employee shall be in a furlough status.

c. , Procedures for Processing Disciplinary Adverse Actions. Heads of DoD Components shall establish procedures for processing disciplinary adverse actions.

d. Adverse Action Administrative Appeals. Heads of DoD Components shall issue regulations and procedures for handling employee appeals to disciplinary and nondisciplinary adverse actions.

6. Incentive Awards and Recognition Programs. Recognizing that NAFI employees at all levels share responsibility for the efficient and economical operation of the activity in which they are employed, incentive awards programs shall be established to the extent feasible, and within resources available, for the purpose of improving these operations and recognizing deserving employees.

7. Reduction in Force. Heads of DoD Components shall develop and implement procedures for their respective organizations which shall provide for the orderly reduction of the work force of NAFIs with a minimum of disruption to operations.

8. Occupational Safety and Health. The administrators of NAFI personnel shall create and maintain a safe and healthful environment for their employees and for the users of facilities managed for the morale, welfare, and contentment of military personnel, their dependents, and authorized civilians. All safety and health regulations shall be strictly adhered to by NAFI employees. Where safety technicians are not available within the installation, outside consultants shall be used.

9. Drug and Alcohol Abuse. Heads of Components shall ensure that drug and alcohol abuse control programs are available to NAFI employees in accordance with the provisions of DoD Directive 1010.4.

B. LABOR-MANAGEMENT RELATIONS POLICY

The Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101 et seq., is implemented within the Department of Defense by DoD Directive 1426.1 and DoD 1400.25-M. The statute, as implemented by these DoD issuances applies to Nonappropriated Fund Instrumentalities (see 5 U.S.C. 7103 (a)(2) and (3) and DoD 1400.25-M, Chapter 711).

C. ENTITLEMENT TO PERSONAL SERVICES AND GOVERNMENT QUARTERS

The privileges afforded NAFI employees shall be consistent with those available to appropriated fund employees. In addition, the personal use of the facilities of the NAFI in which an individual is employed may be authorized by local commanders when the use by regular eligible patrons is not diminished. The entitlement of 5 U.S.C. 5911, (Government Quarters and Facilities) as well as any other regulations prescribed by the President and deemed to be necessary and appropriate to carry out the provisions of this section, are hereby administratively extended to NAFI civilian personnel. The Heads of DoD Components shall prescribe the regulations necessary to carry out the provisions of 5 U.S.C. 5911. Except in isolated situations in which the only suitable quarters and facilities available are government-owned, NAFI employees will be expected to secure them from the private sector. Also, exceptions may be made when, in the judgment of the commander, the mission of the installation will be better accomplished by having certain key administrative NAFI personnel quartered on the installation.

The occupation of Government quarters on a temporary basis by NAFI employees while traveling on official business is authorized.

D. "WHISTLEBLOWER" PROTECTION FOR NAFI EMPLOYEES AND APPLICANTS DISCLOSING INFORMATION

DoD Components shall ensure that the confidentiality of employees and applicants making disclosures are protected fully. In accordance with 10 U.S.C. Chapter 81, NAFI employees and applicants for NAFI employment may not be impeded from disclosing information to appropriate authority that they reasonably believe evidences:

1. A violation of any law, rule, or regulation; or
2. Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific damage to public health or safety.

DoD Directive 7050.1, "Defense Hotline Program" May 20, 1987, establishes the DoD Hotline for reporting fraud or mismanagement, assigns responsibility and prescribes managing and operating procedures.

Concerning protection against reprisals, DoD Directive 1401.3 provides policy and implements P.L. 98-94, DoD Authorization Act, 1984, section 1253 (10 U.S.C. 1587) which establishes protection against reprisals for certain NAFI civilian employees and applicants who have made protected disclosures. DoDD 1401.3 sets forth responsibilities and authorities for providing such protection and prescribes operating procedures.